IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Bail Appl..No. 5701 of 2007()

CRIME NO.306/07 OF MUNDAKKAYAM POLICE STATION

: PETITIONER/ACCUSED

ARUN BABU, S/O PEETHAMBARAN,
KARINGATTU HOUSE, PUNCHAVAYAL P.O.,
MUNDAKKAYAM.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5701 of 2007

Dated this the 24th day of September, 2007

ORDER

Application for anticipatory bail. The petitioner is the sole accused. He faces allegations, inter alia, under Section 326 I.P.C. The crux of the allegations is that the petitioner had hit the defacto complainant with a dangerous weapon - a stone which had resulted in injury involving loss of two teeth of the defacto complainant. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. It is prayed that directions under Section 438 Cr.P.C may be issued in favour of the petitioner.

3. The learned Public Prosecutor opposes the application. There are no circumstances justifying the invocation of the discretion under Section 438 Cr.P.C, submits the learned Public Prosecutor .

4. The learned counsel for the petitioner prays that there may be a direction to the learned Magistrate to consider the application for bail to be filed by the petitioner expeditiously - on the date of surrender itself.

5. I find absolutely no merit in the prayer for anticipatory bail. It is for the petitioner to appear before the learned Magistrate and seek regular bail in the ordinary course.

6. In the result, this application for anticipatory bail is dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

(R.BASANT, JUDGE)

rtr/-